

Application No. 10/034,948
Amtd. Dated 05/26/2004
Reply to Office Action of 02/27/2004

Remarks

Pages 4 and 5 of the specification have been amended in order to introduce distinctive clarifications in the Summary between "product data" in the database accessed by the customer and "project data" that is part of the personal file of a customer created for the development project being managed. See page 6, lines 13 - 22.

Claim 1 has been amended by incorporating the substance of Claim 3, which has been canceled. Claims 8 and 9 have been amended to more clearly define the invention. Claims 15 - 18 and 25 have been amended to properly reflect the antecedent basis in Claim 1 on which they depend. Claims 53 - 56 and 61 have been canceled. Claim 57 has been amended to incorporate the same phraseology from Claim 3 as was used to amend Claim 1. Claim 60 has been amended to more clearly define the invention over the cited art. Claims 62 - 68 stand withdrawn as directed to a non-elected invention. Reconsideration is respectfully requested of rejected Claims 1, 2, 4 - 52, and 57 - 60.

Applicant appreciates the Examiner's thorough search of the prior art and its application to the applicant's claims. In order to highlight the applicant's contribution, which is believed to be patentable over the primary reference, Goldstein, and the references combined with Goldstein, the claims have been further amended to define the invention over the cited reference.

This invention relates to a system for managing a development project through a dedicated web site accessible over the world wide web. A personal file which includes the project data is created by the customer on the web site. The file is accessible through the world wide web and access to the personal file is granted by the customer to other types of users such as privileged and/or authorized users (pages 10 and 11). The web site includes at least one database accessible by the customer containing data on commercially available products (page 12). The customer may select a product for viewing or printing a sample. In the example of the preferred embodiment described in the specification, the sample is of a selected wallpaper pattern. This avoids the problem of viewing sample books at the wallpaper store with all of the disadvantages described on pages 2 and 3 of the specification. Provisions are also included for an interactive module, an application module, a decorator module, and a kiosk system. The system allows the project to be managed by granting

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controlled access to third party consultants and designers. Therefore, it is a multi-lateral system rather than the bilateral systems of the cited references.

Rejection under 35 U.S.C. §112, second paragraph

Claims 8 and 9 were rejected under 35 U.S.C. §112 as indefinite. The phrase "such as" has been deleted so that the claims recite that the proofs are "wallcovering trim or border".

Rejection under 35 U.S.C. §102

Claims 1, 2, 5 - 11, 15 - 18, 23, 25, 29, 35, 36, 41 and 57 were rejected under 35 U.S.C. §102(e) as anticipated by Goldstein (U.S. 2002/0069078). Claim 1, on which all of the above claims except Claim 57 depend, has been amended by incorporating the substance of Claim 3. This incorporates the means for access to the personal file and project data by third party users. A rejection under 35 U.S.C. §102 requires that Claim 1, as amended, be anticipated by the teachings of Goldstein alone, which applicant believes is not the case.

Goldstein discloses a system and method for creating custom wallpaper. The system comprises a custom wallpaper creation program module and a printing module. The custom wallpaper creation program module is operable for displaying a selection of wallpaper design parameters on a website, operable for receiving a user selection of wallpaper design parameters, and further operable for displaying one or more selected wallpaper design parameters. The printing module is operable for receiving selected wallpaper design parameters from a custom wallpaper creation program module, operable for formatting the parameters for printing a corresponding design characteristic on a sheet of wallpaper, and further operable for printing the corresponding design characteristic on a sheet of wallpaper. The invention includes a database for storing previously created wallpaper design parameters or for storing user-selected wallpaper design parameters.

The product is not a commercial wallpaper design in existence, but is created by the customer from design characteristics in the database (similar to "clip art") and then printed to specifications of the customer as custom wallpaper. Goldstein does not disclose a database having product data, but rather discloses a database having the means to create a custom

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product from stored design parameters.

More importantly, however, Goldstein does not disclose means for allowing a customer to allow access to a personal file of project data by a user other than a customer from a dedicated web site accessible through a connection through the world wide web. There is no provision in Goldstein for a third party to access the customer's personal file describing the project.

The cited paragraph [0037] of Goldstein mentions that the user may be provided with the ability to communicate via electronic mail with a design consultant and share information in a data file containing the user's sample design of custom wallpaper. It is quite one thing to initiate and send an e-mail to a design consultant with information, as opposed to providing access to a personal file for a design consultant to access the personal file over the world wide web at his or her own volition. In the first case, the customer initiates the file transfer information. In the second case, the third party initiates the request for information via a password (page 8, lines 21 - 25, page 10, lines 11 through page 11, line 11).

Since Claims 2, 5 - 11, 15 - 18, 23, 25, 29, 35, 36 and 41 are dependent on Claim 1, as amended, it is submitted that they also are not anticipated by Goldstein for the reasons set forth above.

Claim 57 has been amended in the same manner as Claim 1, and is believed not to be anticipated by Goldstein for the same reasons as set forth above.

Claim Rejections under 35 U.S.C. §103

Claims 4 and 60 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goldstein in view of Rapp et al. (U.S. 2002/0116232). Rapp discloses an automated system and method for interactive scheduling through a web site. Vendors' appointment books are accessible through a web site so that customers may schedule appointments at any time and from any location. Customers access the vendor's appointment book by accessing the vendor's web site or selecting the vendor from a list of vendors maintained at a scheduling web site. In addition to scheduling a primary service, customers may schedule add-on and adjacent services that the vendor defines. Vendors who would like to establish a web site that uses special scheduling application software simply complete templates that

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comprise the content for the web site. A web site is then created for the vendor using service definitions and service provider information provided by the vendor.

First, as noted above, Goldstein does not disclose that a customer may "grant a design consultant access to a file containing a selected wallpaper design". Goldstein merely says that a customer may send an e-mail to a design consultant containing information concerning a selected wallpaper design. The design consultant has no access on her own.

Rapp is cited to disclose an Internet based system through which a customer may view a vendor's schedule and schedule an appointment based on the vendor's availability. The vendor in Rapp's application has no ability to access a personal file containing project data of a customer. The only information furnished to the vendor in Rapp is limited customer profile information such as a name and e-mail address and desired time slot for a service (paragraphs 35 - 40). The primary data flow is from the vendor to the customer, and there is no data provided by the customer in the form of a personal file including project data for a development project to be managed. Therefore it is submitted that Claim 4 is not obvious in view of Goldstein as modified by Rapp, the latter only showing a means for a customer to select an appointment time slot over the Internet.

Claim 60 has also been rejected as obvious over Goldstein in view of Rapp. The same arguments apply to Claim 60 as to Claim 4 above. Rapp does not suggest means for allowing the customer to allow access to personal files describing project data by a user other than the customer. Minimum customer data is available to Rapp's vendors.

Claims 12 - 14 have been rejected under 35 U.S.C. §103(a) as unpatentable over Goldstein as applied to Claims 5 and 6. While Claims 12 - 14, being dependent upon Claim 1, as amended, are believed to be patentable for reasons already discussed, it should also be noted that the applicant's printing unit is printing a sample of a commercially available product rather than a customized product as contemplated by Goldstein.

Claims 19 - 22, 24, 26 and 43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goldstein in view of Plaskoff et al. (U.S. 2001/0032062). The Examiner asserts that Goldstein does not expressly teach the details of related project management, but that this deficiency is supplied by Plaskoff who discloses a system with an application module, schedule coordination means, and a database for managing a renovation project

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on-line. Claims 19 - 22 recite the use of the application module described by the applicant, Claim 26 recites the use of the interactive module described by the applicant, and Claim 43 recites that the database include times for completion of various construction tasks.

Goldstein, however, does not teach or suggest a system for managing a development project over the world wide web via an application module that permits automatic scheduling adjustment in response to a change in the project (see dependent Claim 20), or automatic cost adjustment in response to a change in the project (see dependent Claim 21).

Plaskoff is directed to a system, method and computer program product for designing, specifying, and purchasing over the Internet, and for constructing a construction renovation project. His method can include receiving a renovation order for a construction renovation project from a customer at an Internet interface where the renovation order is prepared by the customer. The order includes designing, specifying, and purchasing the project via the Internet interface, delivering materials specified in the renovation order and needed to perform the construction renovation project to a renovation location specified in the construction renovation project renovation order, and performing construction services of the construction renovation project as specified in the renovation order at the renovation location.

The Examiner believes that Plaskoff discloses a system with an application module, schedule coordination means, and a database for managing a renovation project online. Plaskoff, however, does not teach or suggest a system for managing a development project via the world wide web via an application module that permits automatic scheduling adjustment in response to a change in the project (as in dependent Claim 20), or automatic cost adjustment in response to a change in the project (as in dependent Claim 21). Rather, Plaskoff shows a system to determine pricing of a project before the project begins. There does not appear to be provision in Plaskoff for determining changes in scheduling or pricing of a project after the project has begun. And Plaskoff does not suggest modification of amended Claim 1 with the other features recited in dependent Claims 19, 22, 24, 26 and 43. It is submitted that Claims 19 - 22, 24, 26 and 43 are not obvious over Goldstein in view of Plaskoff.

Claims 27, 28, 30 and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goldstein in view of Heisler et al. (U.S. 2001/0044749). Goldstein does

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not expressly teach various instruction and help modules recited in those claims. Heisler describes a "how to" web site to give help for home improvement projects. These projects contemplate that they will be completed by the user or customer rather than by third parties. While Heisler describes an on-line interactive home improvement system to offer help to the "weekend warrior", the applicant's system is intended to enable and empower third party users to collaborate in order to complete a project. Therefore, the help modules suggested by Heisler do not answer the type of questions required by the applicant in order to manage a project carried out by third parties as opposed by self-completion of the project. For example, the customer in the applicant's invention is obtaining samples of commercial products, not custom printed wallpaper or instructions on how to hang wallpaper. The applicant is managing the development project rather than doing it. Therefore it is not obvious to modify Goldstein with Heisler in order to provide the type of instructions and help required in the recitations of dependent Claims 27, 28, 30 and 31.

Claims 32 - 34, 37 - 40, 42, 44, 45 and 59 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goldstein in view of Fenton et al. (U.S. Patent 6,343,264). Fenton discloses a color selection process for assisting customers including creation of a digital and graphic computer database that classifies and stores product inventory and a preview of products using the database and computer graphics. It is true that Fenton describes a system for helping customers through the difficulties of selecting colors and viewing them in a computer environment not on the Internet. While the various features recited in the dependent claims appear to be disclosed by Fenton, these features are not furnished over the Internet with means for allowing the customer to allow access to a personal file of project data by a user other than the customer. Fenton's system is intended as an expert system, i.e., a substitute for the third party consultants and designers contemplated by the applicant's invention. Therefore it is not obvious to modify Goldstein with the type of product information supplied by Fenton.

Claims 46 - 52 and 58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goldstein in view of Herz et al. (U.S. 2001/0014868). Herz describes a system for automatic determination of customized prices and promotions and automatically constructs product offers tailored to individual shoppers. Shoppers are identified and then enticed with

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visual and textual advertisements and offers of deals. An in-store kiosk is the preferred platform. Promotions are created based upon user profiles generated from a record of past purchases made by the consumer. This system depends upon a history of past purchases and is totally inappropriate in the applicant's case where a single current construction project is being managed.

While Herz might suggest the idea of running advertisements on a kiosk display and capturing customer preferences during previewing of a product, the rejected claims are dependent upon Claim 1. Claim 1, as amended, is essentially a system wherein the customer collaborates with other consultants whose choices of products from a database are superimposed on the customer's choices. Therefore the data collected by Herz would be meaningless because it goes beyond the customer's choices and includes purchase choices of the other third party consultants having access to the personal file. For this reason, it is not obvious to combine the teachings of Goldstein and Herz to reject the above claims.

Reconsideration is respectfully requested of Claims 1, 2, 4 - 52, and 57 - 60, and it is asked that the case be passed to issue.

Respectfully submitted,

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